

201506183
Paul Casale

This investigation stems from a widely-publicized incident in a Target in Flatlands, where police officers repeatedly punched Alando Brissett, who had been asked to leave the store and refused.

<https://nypost.com/2015/07/28/one-person-50-police-video-shows-cops-punching-man-during-arrest-at-target/>

The CCRB determined that Mr. Brissett was lying face down while clutching a book and refusing to allow officers to handcuff him. Because officers are permitted to use force to get people who are resisting arrest to comply, the agency did not find that the officers had violated the law when they punched and kicked Mr. Brissett.

But in his CCRB interview, PO Casale stated that Mr. Brissett had swung the book at officers and had punched PO Casale in the groin three times. He also stated that he did not know if he made contact with Mr. Brissett's head, even after watching the video showing him hit Mr. Brissett in the head with his knee.

The NYPD did punish PO Casale for the false statement and the CCRB allegations are redacted in a later letter from the district attorney.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ben Gilmore	Team: Squad #9	CCRB Case #: 201506183	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/25/2015 8:18 PM	Location of Incident: [REDACTED]	Precinct: 70	18 Mo. SOL 1/25/2017	EO SOL 1/25/2017	
Date/Time CV Reported Mon, 07/27/2015 11:07 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 07/27/2015 11:09 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Paul Casale	16369	§ 87(2)(b)	PBBS
2. POF Krista Cascalenda	13447	§ 87(2)(b)	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jake Liu	22976	§ 87(2)(b)	PBBS
2. POM Marco Cortes	21389	§ 87(2)(b)	PBBS
3. SGT Gordon Fraser	01374	§ 87(2)(b)	070 PCT
4. POM Josue Ortiz	15176	§ 87(2)(b)	070 PCT
5. POM Christian Lopez	24864	§ 87(2)(b)	PBBS
6. POF Katrina Narvaez	07777	§ 87(2)(b)	070 PCT
7. POF Melina Morillo	05403	§ 87(2)(b)	070 PCT
8. POF Melike Turk	18525	§ 87(2)(b)	PBBS
9. POF Yefery Dalmonte	21404	§ 87(2)(b)	PBBS
10. POF Andrea Papaleo	01326	§ 87(2)(b)	070 PCT
11. POM Scott Nuzzi	27541	§ 87(2)(b)	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Paul Casale	Force: PO Paul Casale used physical force against § 87(2)(b) [REDACTED].	A . § 87(2)(g) [REDACTED]
B . POF Krista Cascalenda	Force: PO Krista Cascalenda used physical force against § 87(2)(b) [REDACTED].	B . § 87(2)(g) [REDACTED]
C . POM Paul Casale	Other: There is evidence suggesting PO Paul Casale provided a false official statement in violation of Patrol Guide Procedure 203-08.	C . § 87(2)(g) [REDACTED]

Case Summary

On July 25, 2015, this case was generated based on video footage (Board Review 01) and a news article (Board Review 02). On July 27, 2015, § 87(2)(b) filed this complaint via the CCRB website. On July 27, 2015, SSA Brendan Ryan emailed the IAB Command Center to file this complaint. This case was added to the sensitive case list due to the extensive media coverage it received.

On July 25, 2015, at approximately 7:30 p.m. § 87(2)(b) was at a Target retail store located at § 87(2)(b) in Brooklyn. At 7:41 p.m. a 911 call was made alleging that § 87(2)(b) was threatening Target employees and refusing to leave (Board Review 05).

At approximately 7:50 p.m. PO Jake Liu and PO Marco Cortes of Patrol Borough Brooklyn South approached § 87(2)(b) at the customer service counter inside of Target. PO Liu and PO Cortes interacted with § 87(2)(b) for approximately 10 minutes at the customer service counter, and at one point, § 87(2)(b) fell to the ground. This interaction is captured on a Target security camera.



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PO Liu and PO Cortes attempted to physically escort § 87(2)(b) out of Target, but § 87(2)(b) refused to walk with the officers. PO Liu put a call for additional units over the radio (Board Review 05). PO Liu and PO Cortes forced § 87(2)(b) onto his stomach on the floor of the Target near the escalator bank/exit of Target. § 87(2)(b) remained on his stomach, lying still, and PO Liu and PO Cortes stood up, ceasing all physical contact with § 87(2)(b). This interaction is captured on a Target security camera.



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PO Paul Casale, PO Melike Turk, PO Scott Nuzzi, and PO Krista Cascalenda, all of the 70th Precinct, arrived a few seconds after PO Liu and PO Cortes stopped making physical contact with § 87(2)(b). All the officers stood around § 87(2)(b) who remained lying stomach down on the floor. The officers proceeded to attempt to place § 87(2)(b) in handcuffs. § 87(2)(b) a shopper at Target, who was walking towards the exit of the store, alleged that PO Casale twice kned § 87(2)(b) in the back of his head, later kned him in the head two to three times, and then punched § 87(2)(b) about his back two to three times (**Allegation A**). § 87(2)(b) alleged that PO Cascalenda punched § 87(2)(b) in his lower back two to three times (**Allegation B**). Video footage from a cellphone and Target security cameras corroborate both allegations.



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§ 87(2)(b) was handcuffed and escorted out of Target. § 87(2)(b) was charged with resisting arrest, obstruction of governmental administration, trespass, and disorderly conduct (Board Review 06). PO Cortes broke his pinky finger as a result of the incident and went Line of

Duty (Board Review 07). PO Cortes reported he sustained the injury prior to PO Casale and PO Cascalenda arriving at the scene.

This case was originally assigned to Ethan DeAngelo, and it was reassigned to Investigator Ben Gilmore on September 14, 2015, due to Mr. DeAngelo's promotion to supervisor.

This case surpassed the 90 day benchmark largely due to PO Paul Cassale missing three scheduled interviews.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation because § 87(2)(b) was arrested as a result of the incident, and his criminal case remains open. His next scheduled court date is for November 30, 2015 (Board Review 08).
- § 87(2)(b)
- As of November 5, 2015, § 87(2)(b) has not filed a Notice of Claim regarding this incident (Board Review 10).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint which § 87(2)(b) has filed (Board Review 11).
- This is the first CCRB complaint in which § 87(2)(b) is involved (Board Review 12).
- PO Casale has been a member of the NYPD for two years, and this is the first CCRB allegation made against him.
- PO Cascalenda has been a member of the NYPD for three years and this is the first CCRB allegation made against her.
 - PO Casacenda has one other CCRB allegation pending against her, an 'entry and search' allegation in CCRB #201507038.

Potential Issues

- At the request of § 87(2)(b)'s criminal defense attorney, the CCRB did not obtain a statement from § 87(2)(b).
- § 87(2)(b)'s boyfriend, § 87(2)(b) who filmed this incident on his cellphone, refused to cooperate with this investigation.

Findings and Recommendations

Allegations not pleaded

- Force: A physical force allegation was not pleaded against any male officer aside from PO Casale. Even though § 87(2)(b) alleged that a white male officer, other than PO Casale, knelt § 87(2)(b) once in the head, § 87(2)(b) said that this officer and PO Casale briefly switched positions at the time of the alleged knee strike to the head. The video footage of the incident indicates that PO Casale was the only officer to kneel § 87(2)(b) and although officers move around during the incident, PO Casale essentially remained in the same position relative to § 87(2)(b) throughout the struggle to handcuff him. Therefore, an additional force allegation was not pleaded.

Allegation A - Force: PO Paul Casale used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) refused to leave a Target retail store after he allegedly made threats against employees of the store. Target security video shows § 87(2)(b) refusing to leave with PO Liu and PO Cortes, but § 87(2)(b) is not violent towards either officer. PO Liu and PO Cortes brought § 87(2)(b) to the ground inside of the Target store where § 87(2)(b) remained, lying face down and clenching a hardcover book, when additional officers, including PO Paul Casale, arrived on scene.

§ 87(2)(b) alleged that while § 87(2)(b) was lying down holding a book underneath his body, PO Casale knelt § 87(2)(b) twice in the back of the head, shuffled around with other officers, and then knelt § 87(2)(b) two to three additional times in the back of the head (Board Review 13). § 87(2)(b) testified that at this point her boyfriend, § 87(2)(b) began filming the incident with his cellphone. § 87(2)(b) said that PO Casale then punched § 87(2)(b) two to three times in his upper back.

§ 87(2)(b) who was employed at Target as a security guard during the time of the incident, testified that § 87(2)(b) was lying on his stomach not allowing officers to pull his arms from underneath his body (Board Review 14). § 87(2)(b) alleged that PO Casale punched § 87(2)(b) one time in the head, and one time in the right side of his body. § 87(2)(b) testified that PO Casale knelt § 87(2)(b) on the top part of his upper back and right shoulder two to three times, and that he did not see PO Casale knee § 87(2)(b) in the head.

§ 87(2)(b) who was also employed at Target as a security guard during the time of the incident, said that § 87(2)(b) was refusing to leave the store and ended up lying down with his arms tucked underneath his body, not allowing officers to put him in handcuffs (Board Review 15). § 87(2)(b) alleged that PO Casale punched § 87(2)(b) one time in the side. § 87(2)(b) testified that he did not see any officer knee § 87(2)(b).

PO Casale testified that upon approaching § 87(2)(b) and telling him to place his hands behind his back, PO Casale crouched down over him in an attempt to lift § 87(2)(b) off the ground (Board Review 16). PO Casale testified that § 87(2)(b) turned over and attempted to strike him and the other officers with a book. PO Casale said he did not recall if § 87(2)(b) struck him or any other officer with the book. No other officer who was interviewed reported that § 87(2)(b) ever attempted to strike any officer with a book (Board Review 19 and Board Review 20), and PO Casale testified that § 87(2)(b) never did anything with the book aside from holding it (Board Review 17). Video footage of the incident does not show § 87(2)(b) attempting to strike an officer with a book.

PO Casale acknowledged punching § 87(2)(b) in the rib area, but he did not recall how many times. When PO Casale was asked what, if anything, prompted him to punch § 87(2)(b) at that particular time, PO Casale said that § 87(2)(b) punched him in the groin three times. PO Casale then said he did not remember if § 87(2)(b) punched him before or after PO Casale punched § 87(2)(b). PO Casale did not seek medical treatment as a result. No other officer or civilian who was interviewed reported that § 87(2)(b) ever punched an officer. Video footage of the incident does not show § 87(2)(b) ever punching an officer.

PO Casale testified that he “felt like” § 87(2)(b) was spitting a lot during the incident, and that § 87(2)(b) possibly spat on him during the incident. No other officer or civilian who was interviewed reported that § 87(2)(b) ever spat during the incident, and this cannot be seen on any video footage of the incident.

PO Casale testified that during the struggle to place § 87(2)(b) in handcuffs, he attempted to place his knee on § 87(2)(b)'s back in order to pin him down and leverage his arms from under his body. PO Casale added that the floor was slippery and that § 87(2)(b) was moving his body around, forcing PO Casale to reposition himself several times.

PO Casale testified that he never intentionally kneed § 87(2)(b) "as in a strike," but he might have accidentally. PO Casale testified that he did not recall if he "struck down" with his knee during the incident. PO Casale testified that he did not recall if he ever made contact with § 87(2)(b)'s head during the incident.

After reviewing video footage of the incident at his CCRB interview (PO Casale testified that he had watched a video of the incident on YouTube the day of his CCRB interview, prior to the interview) PO Casale said it was clear that he made contact with § 87(2)(b)'s head during the incident, but he was unable to tell from the video footage which part of his body ever made contact with § 87(2)(b)'s head.

The video footage shows that approximately 16 seconds after PO Casale arrived, PO Casale's knees came into contact with § 87(2)(b) who remained lying still on his stomach. Two surveillance cameras at Target show PO Casale lunging toward § 87(2)(b)'s head and upper shoulder area with his knees making primary contact; a cellphone video shows PO Casale lunging into § 87(2)(b) and his left knee making contact with § 87(2)(b)'s head.



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According to NYPD Patrol Guide Procedure 203-11 (Board Review 18), officers must use the minimum necessary force to effect an arrest.

§ 87(2)(g) PO Casale's claim that § 87(2)(b) turned around and attempted to strike him and other officers with a book when PO Casale initially reached down to place § 87(2)(b) in handcuffs § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) The video footage shows multiple examples of PO Casale lunging towards and striking § 87(2)(b) with his knee. § 87(2)(g)

§ 87(2)(g) PO Casale testified that he watched video footage of the incident the day of (right before) his CCRB interview, and PO Casale acknowledged the video footage definitively shows him making contact with § 87(2)(b)'s head.

§ 87(2)(b) consistently reported the alleged knees to § 87(2)(b)'s head. She made the claim when she originally filed the complaint on July 27, 2015, during a telephone statement on July 29, 2015, and during her sworn statement to the CCRB on August 3, 2015. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Force: PO Krista Cascalenda used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) resisted arrest by holding his arms underneath his body and refusing to allow officers to place him in handcuffs. It is undisputed that PO Cascalenda punched § 87(2)(b) two times on his back or side while § 87(2)(b) was resisting arrest and prior to him being placed in handcuffs.



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According to NYPD Patrol Guide Procedure 203-11 (Board Review 18), officers must use the minimum necessary force to effect an arrest.

§ 87(2)(g)

Allegation C - Other: There is evidence suggesting PO Paul Casale provided a false official statement in violation of Patrol Guide Procedure 203-08.

The CCRB recommends that the NYPD conduct further investigation, as there is evidence to suggest that PO Casale provided a false official statement. The evidence is as follows.

PO Paul Casale provided an official statement to the CCRB on October 22, 2015. During this statement, PO Casale made several claims that were shown to be false: (1) PO Casale said that § 87(2)(b) swung a book at him and other officers; (2) PO Casale said that § 87(2)(b) punched him in the groin three times; (3) when PO Casale was asked if he ever made contact with § 87(2)(b)'s head, he said he did not recall; and (4) PO Casale said he could not tell from the video what part of his body made contact with § 87(2)(b)'s head. PO Paul Casale also wrote in his memo book—dated July 25, 2015, at 8:02 p.m.—that § 87(2)(b) was punching officers.

Video footage shows that § 87(2)(b) did not punch an officer or swing a book during the incident. Video footage shows PO Casale kneeling § 87(2)(b) and PO Casale making contact with § 87(2)(b)'s head with his knee and hand.



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Patrol Guide Procedure 203-08 (Board Review 21) states that an officer is prohibited from making a false official statement, and that an officer found to have made such a statement will be subject to disciplinary action. According to Department of Correction v. Centeno, OATH Index No. 2031/04 (2005) (Board Review 22) the statement must be proven to have been made, material, and intentionally false.

§ 87(2)(g)

PO Casale watched a video of the incident (on the day of his CCRB interview, before his CCRB interview) which he acknowledged shows him making contact with § 87(2)(b)'s head but then testified during his CCRB interview that he did not recall if he ever made contact with § 87(2)(b)'s head.

PO Casale watched video footage of the incident before and during his CCRB interview which shows his hand and knee making contact with § 87(2)(b)'s head, yet PO Casale testified that he could not tell which part of his body ever made contact with § 87(2)(b)'s head.

§ 87(2)(g)

[REDACTED]

Squad: 9

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date



Eric Gonzalez
District Attorney

DISTRICT ATTORNEY
KINGS COUNTY
350 JAY STREET
BROOKLYN, NY 11201-2908
(718) 250-2000
WWW.BROOKLYNDA.ORG

[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: PAUL CASALE

MOS TAX: [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

PLAINTIFF	DOCKET	COURT	FILED	DISPOSED	DISPOSITION
Chaniece Trotman, et al.	15-CV-2575	E.D.N.Y.	5-4-15	-	Pending dispositive motion practice

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH FEBRUARY 2, 2021, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 2:

CCRB CASE: 201506183

REPORT DATE: 07/27/2015

[REDACTED]
[REDACTED]
[REDACTED]

Eric Gonzalez
District Attorney
Kings County